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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/864,415	05/23/2001	R. Michael Daley		3854

30621 7590 04/06/2006

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EXAMINER

HAMILTON, LALITA M

ART UNIT PAPER NUMBER

3624

DATE MAILED: 04/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/864,415

Applicant(s)

DALEY ET AL.

Examiner

Lalita M. Hamilton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                         |                                                                             |
|-----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____                                                |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____                                                             | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Peters (2003/0088489).

Peters discloses a system for automated investment advisory comprising managing investment accounts involving a financial service provider, a third party financial intermediary, and client investors associated with the financial intermediary, using a global computer network, wherein the system is hosted behalf of one or more financial intermediaries, a first portion, available global computer network, which includes series questions answered by a client investor, directed toward determining a profile investor, permitting corresponding investment recommendation to be made by the system possible investments, second portion, available on the global computer network, providing selected information concerning said system a third portion, available computer network, completion investment application by the investor subsequent transmittal thereof the financial service provider, which opens and maintains investment account for the client investor on behalf of the financial intermediary with further

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involvement by the financial intermediary (p.2, 21-22; p.3, 25 to 30; p.7, 81 to p.8, 94 and fig.4-18—details process of questionnaire to recommendations to purchasing); intermediary has a plurality of system wherein the financial investors serviced wherein the possible investments of the financial service provider (p.2, 21-22; p.3, 25 to 30; p.7, 81 to p.8, 94 and fig.4-18); the possible investments include non-proprietary products relative financial service provider (p.2, 21-22; p.3, 25 to 30; p.7, 81 to p.8, 94 and fig.4-18); another portion, available on the global computer network, which provides educational information and selected disclosure information concerning investments and information concerning particular investment products available from the financial service provider (p.2, 21-22; p.3, 25 to 30; p.7, 81 to p.8, 94 and fig.4-18); first, second and third portions available at a global computer network maintained by the financial service provider, which is separate from a network site maintained by the financial intermediary, wherein financial service provider's network linked to the financial intermediary's network site (p.2, 21-22; p.3, 25 to 30; p.7, 81 to p.8, 94 and fig.4-18); each financial intermediary serviced said financial service provider separate network originated and maintained by the financial service provider, each said network sites being customized to resemble the associated financial intermediary's network site (p.2, 21-22; p.3, 25 to 30; p.7, 81 to p.8, 94 and fig.4-18); investor has the ability change profile recommendation to a selected extent (p.2, 21-22; p.3, 25 to 30; p.7, 81 to p.8, 94 and fig.4-18); one or more of system portions, when printed from a network site, have a space for a signature (p.2, 21-22; p.3, 25 to 30; p.7, 81 to p.8, 94 and fig.4-18—standard when opening new financial accounts); provider maintains complete records

for each said client investors and provides periodic reports to each client investor concerning their investments (p.2, 21-22; p.3, 25 to 30; p.7, 81 to p.8, 94 and fig.4-18); following completion application and approval thereof the client investor, said account application form transmitted financial service provider, which return provides investor confirmation number which correlates with the application (p.2, 21-22; p.3, 25 to 30; p.7, 81 to p.8, 94 and fig.4-18—standard to allow for receipt for records and tracking); the financial service provider, following receipt of a signed copy of new application necessary funds, account investor without significant entry of information (p.2, 21-22; p.3, 25 to 30; p.7, 81 to p.8, 94 and fig.4-18); first portion includes a series of multiple choice questions, result of which is tabulated numerical value representing the risk profile of the client investor (fig.4-18); recommended investment is selected from a plurality of mutual fund investments (p.2, 21-22; p.3, 25 to 30; p.7, 81 to p.8, 94 and fig.4-18).

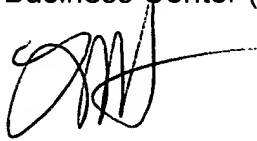
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lalita M. Hamilton whose telephone number is (571) 272-6743. The examiner can normally be reached on Tuesday-Thursday (6:30-2:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (571) 272-6747. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to be 'LMH', with a long horizontal stroke extending to the right.

LMH